

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILEDIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2010 JUL -6 AM 10: 56

DEPUTY CLERK

QCJOE LUIS HERNANDEZ, PRO SE,
TDCJ-CID #1214728
Previous Illinois DOC ID #R14340,

Plaintiff,

v.

2:07-CV-0086

GREGORY A. GERZON,
TITA P. JURADO,
KRISTY L. THOMPSON, and
VAL L. CARTER,

Defendants.

**ORDER GRANTING, IN PART, AND DENYING, IN PART,
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT;
AND ORDER OF PARTIAL DISMISSAL**

Plaintiff JOE LUIS HERNANDEZ, proceeding pro se and while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, has filed suit pursuant to Title 42, United States Code, Section 1983 complaining against the above-named defendants. Plaintiff has paid the filing fee and is not proceeding in forma pauperis.

On May 14, 2010, the Magistrate Judge issued a Report and Recommendation that defendants' motion for summary judgment be granted, in part, and denied, in part, and that plaintiff's claims for expungement of his disciplinary cases and for return of old classification, job, and housing assignment.

No objections to the Report and Recommendation have been filed by either party; and the response period has expired.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation.

The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

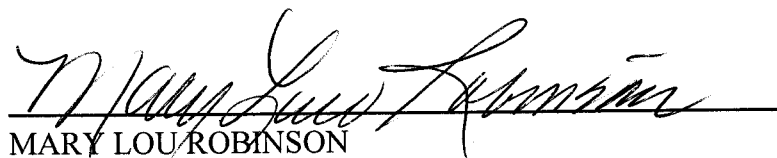
This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that defendants' Motion for Summary Judgment and Supplement is GRANTED, in part, and DENIED, in part; and the Civil Rights Claims by plaintiff JOE LUIS HERNANDEZ FOR EXPUNGEMENT OF HIS DISCIPLINARY CASES AND FOR RETURN OF OLD CLASSIFICATION, JOB, AND HOUSING ASSIGNMENT are DISMISSED WITH PREJUDICE.

The Clerk will mail a copy of this Order to the plaintiff, and to any attorney of record by first class mail.

It is SO ORDERED.

Signed this the 6th day of July, 2010.


MARY LOU ROBINSON
United States District Judge